



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 13, 2024

BY ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 15C
New York, NY 10007

Re: *New Yorkers Against Congestion Pricing Tax, et al. v. U.S. Dep't of Tansp., et al.*,
No. 24 Civ. 367 (LJL)

Dear Judge Liman:

We write on behalf of the Federal Defendants to respectfully request that the Court enter judgment in the Federal Defendants' favor on Count II of the plaintiffs in the above-referenced matter's (the "NYACPT Plaintiffs") complaint, which asserts a failure-to-supplement claim against the Federal Defendants under the National Environmental Policy Act ("NEPA"). *See* Dkt. No. 54 ¶¶ 169-76. In its June opinion, the Court deferred ruling on this claim "pending supplemental briefing on the [Federal Highway Administration's] June 14, 2024 reevaluation" of the environmental review at issue in this lawsuit. Dkt. No. 86 at 113. The Court endorsed a schedule requiring the NYACPT Plaintiffs to submit that supplemental briefing by December 2, 2024, *see* Dkt. No. 119, but the NYACPT Plaintiffs failed to do so, instead choosing to only move on their State Administrative Procedure Act claims, *see* Dkt. No. 121. For the reasons stated in the Federal Defendants' motion for summary judgment in the *Chan* matter, the NYACPT Plaintiffs' remaining NEPA claim is without merit and should be dismissed. *See generally* No. 23 Civ. 10365 (LJL), Dkt. No. 146. On Wednesday, the Federal Defendants requested that the NYACPT Plaintiffs voluntarily dismiss this claim, but they have not responded to the Federal Defendants' request.

Thank you for your consideration of this matter.

Plaintiffs shall show cause by December 18, 2024 why Plaintiffs' second cause of action for failure to supplement pursuant to NEPA should not be deemed abandoned and the claim dismissed.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

SO ORDERED.

LEWIS J. LIMAN
United States District Judge

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